

VICTOR HOTHOTH and AYAKO MITSUI,
individually and as parents and natural
guardians of infant, ALYN HOTHOTH,

East 81st Street, New York, New York, and otherwise begs leave to refer all questions of law to the court.

3. Denies the allegations contained in paragraph "7".

JURISDICTION AND VENUE

4. Denies the allegations contained in paragraph "11".

5. Denies the knowledge or information sufficient to form a belief as to the truth of allegations contained in paragraphs "12" and "13" and otherwise begs leave to refer all questions of law to the court.

FACTUAL BACKGROUND

6. Denies the knowledge or information sufficient to form a belief as to the truth of allegations contained in paragraphs "14", "15", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28" and "29".

7. Denies the knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "16" except admits that said defendant was consulted with regard to the infant plaintiff's health and rendered certain professional services to and for said plaintiff.

8. Denies the allegations contained in paragraphs "30" and "31".

COUNT ONE

9. In response to paragraph "32", repeats each admission or denial contained in paragraphs "1" through "31" herein as though fully set forth hereat.

10. Denies the allegations contained in paragraphs "33", "34" and "35".

COUNT TWO

11. In response to paragraph "36", repeats each admission or denial contained in paragraphs "1" through "35" herein as though fully set forth hereat.

12. Denies the allegations contained in paragraphs "37", "38" and "39".

COUNT THREE

13. In response to paragraph "40", repeats each admission or denial contained in paragraphs "1" through "39" herein as though fully set forth hereat.

14. Denies the knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs "41" and "42".

COUNT FOUR

15. Denies the allegations contained in paragraphs "43" and "44".

COUNT FIVE

16. In response to paragraph "45", repeats each admission or denial contained in paragraphs "1" through "44" herein as though fully set forth hereat

17. Denies the allegations contained in paragraph "46".

COUNT SIX

18. In response to paragraph "47", repeats each admission or denial contained in paragraphs "1" through "46" herein as though fully set forth hereat

19. Denies the allegations contained in paragraph "48".

AS AND FOR THE FIRST AFFIRMATIVE DEFENSE

20. Plaintiffs' cause of action, if any, are barred pursuant to CPLR 3012-a.

AS AND FOR THE FIRST AFFIRMATIVE DEFENSE

21. Plaintiffs' fourth and sixth causes of action, if any, are time barred in whole or in part pursuant to CPLR 214-a.

AS AND FOR THE THIRD AFFIRMATIVE DEFENSE

22. That the injuries claimed by plaintiffs in the complaint were cause in whole or in part, by the culpable conduct of the plaintiffs which either bars the claims completely or else diminishes the damages by the proportion that such culpable conduct o

WHEREFORE, defendants, EDWARD F. ROSSI, M.D. and PEDIATRICS EAST OF NEW YORK, P.C., demand judgment dismissing the Complaint, together with the costs and disbursements of the within action.

Dated: New York, New York
March 28, 2005

Yours, etc.,



BY: STEVEN C. MANDELL (0583)
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VICTOR HOTH0 and AYAKO MITSUI,
individually and as parents and natural
guardians of infant, ALYN HOTH0,

Plaintiffs,

v.

EDWARD F. ROSSI, M.D., PEDIATRICS EAST :
OF NEW YORK, P.C. and ST. VINCENT'S :
HOSPITAL, MANHATTAN, :

Defendants. :
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**DISCLOSURE STATEMENT
PURSUANT TO RULE 7.1 OF THE
GENERAL RULES OF THE
SOUTHERN DISTRICT**

05 CV 2609

SIR/MADAM:

Pursuant to Rule 7.1 of the local rules of the U.S. District Court for the Southern and Eastern Districts of New York and to enable judges and magistrate judges of the court to evaluate possible disqualification or recusal, the undersigned counsel for EDWARD F. ROSSI, M.D., PEDIATRICS EAST OF NEW YORK, P.C., (private non-governmental parties) certifies that there are no corporate parents, subsidiaries, or affiliates of said parties which are publicly held.

Dated: New York, New York
March 28, 2005

Yours, etc.,


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